

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

LARRY R. HEDLUND,)	CASE NO.
(DOB: 08/19/57))	
)	
Plaintiff,)	PETITION
)	
v.)	
)	
STATE OF IOWA, K. BRIAN LONDON,)	
COMMISSIONER OF THE IOWA)	
DEPARTMENT OF PUBLIC SAFETY,)	
Individually, CHARIS M.)	
PAULSON, DIRECTOR DIVISION OF)	
CRIMINAL INVESTIGATION,)	
Individually and GERARD F. MEYERS)	
ASSISTANT DIRECTOR, DIVISION OF)	
CRIMINAL INVESTIGATION,)	
Individually,)	
)	
Defendants.)	

COMES NOW the Plaintiff Larry R. Hedlund, by counsel and for his cause of action against Defendants, and each of them, states as follows:

INTRODUCTION

1. The unlawful practices alleged below were committed in Polk County, Iowa.
2. Venue is proper in this judicial district pursuant to Iowa Code §§ 616.17 and 616.18, in that one or more of the Defendants actually reside in Polk County, Iowa.

PARTIES

3. At all times material hereto, Plaintiff Larry R. Hedlund (“Hedlund”) was a resident of Fort Dodge, Webster County, Iowa.

4. At all times material hereto, Defendant K. Brian London (“Commissioner London”) was a resident of Polk County and the Commissioner of the Iowa Department of Public Safety (“Iowa DPS”).

6. At all times material hereto, Defendant Charis M. Paulson (“Director Paulson”) was a resident of Polk County and the Director of the Iowa Division of Criminal Investigation (“DCI”).

7. At all times material hereto, Defendant Gerard F. Meyers (“AD Meyers”) was a resident of Warren County and the Assistant Director-Field Operations for the DCI.

8. At all times material hereto, Defendant State of Iowa was a sovereign state as defined in the Iowa Code with its principal place of business in Des Moines, Polk County, Iowa.

FACTUAL BACKGROUND

9. On July 1, 1988, Hedlund began his employment with the Iowa DPS with the Iowa State Patrol as a State Trooper. On June 1, 1989 he became a Special Agent in the Major Crimes Unit (“MCU”).

10 On July 10, 2010, Hedlund was promoted to a Special Agent Supervisor also known as a Special Agent in Charge (“SAC”) in the MCU. Hedlund was an SAC at the time of his wrongful termination.

11. Hedlund’s duties as an SAC included supervising eight Special Agents covering 29 Iowa Counties. The Special Agents under his supervision were involved in investigating homicides, missing and abducted persons, child abuse, computer related crimes and vice.

12. During his tenure with the Iowa DPS, Hedlund was an exemplary employee. He was never demoted, suspended or reprimanded until being placed on paid administrative leave on May 1, 2013.

13. During his tenure with Iowa DPS, Hedlund repeatedly raised objections and concerns and disclosed information to Iowa DPS leadership about actions and conduct which he reasonably believed evidenced a violation of the law or rule, mismanagement, an abuse of authority or a substantial and specific danger to public health or safety including, but not limited to, the following:

- (a) Hedlund repeatedly emailed and spoke with Director Paulson about the competency of AD Meyers to perform the duties of Assistant Director-Field Operations including his failure and refusal to timely respond to phone calls, text messages and emails. Hedlund specifically pointed out that such conduct was hampering and impairing the ability of field agents to effectively and efficiently perform their duties;
- (b) On January 10, 2013, Director Paulson sent an email to her leadership team titled "Agent Notification Assignment" with attachments which included a letter to police chiefs, county sheriffs and county attorneys as well as talking points for field agents. The letter and talking points involved possible errors made by a latent finger print examiner employed by Iowa DPS. On January 10, 2013 the email with attachments was forward to Hedlund by AD Meyers for dissemination to his field agents. In an email dated January 10, 2013, Hedlund responded: "We will carry out the orders as instructed." Hedlund did, however, note his objection to certain statements contained in the letter and talking points as "potentially misleading and inaccurate." In the email, Hedlund informed AD Meyers that: "If asked if I think that is an accurate and true statement, there is no way I could answer that in the affirmative and I could not and would not order my Agents to answer it in the affirmative." Hedlund received no response to his email. Hedlund sent additional emails to AD Meyers involving at least two cases where field agents had questions specifically about the integrity of latent finger prints. AD Meyers failed to respond to these emails.
- (c) On March 18, 2013, Hedlund filed Employee Complaints against Director Paulson and AD Meyers with the Iowa Department of Administrative Services ("DAS"). The DAS Complaint involved the following incidents:

- (i) Meyers (who at the time was an SAC) directed profanity and aggressive behavior toward Director Jim Saunders. Hedlund asserted that Meyers' conduct was unprofessional and insubordinate and a violation of the Violence Free Workplace Policy. Hedlund further asserted that Paulson made no effort to calm Meyers down or to diffuse the situation and that the matter was not adequately investigated or dealt with correctly.
- (ii) AD Meyers suggested, or at the very least implied, that DCI Agents who received parking tickets at Iowa State University could simply ignore them. In response to an email from Hedlund dated March 8, 2013, Meyers stated the following: "I was up there yesterday and simply put a business card on my dash and I encountered no issues. We may have to do the best we can to solve the problem. Not too [sic] mention, if they get a ticket simply disregard it as it is a campus ticket only penalty for non-payment. It's no access to transcripts so read between my lines."
- (iii) In June 2012, Paulson (who at the time was an Assistant Director) assigned SAC Hedlund the task of investigating an allegation of assault and hazing at the 34th DPS Academy. While investigating the assault and hazing allegations, Hedlund uncovered credible evidence that a Drill Instructor had a consensual sexual relationship with a recruit during the 33rd DPS Academy. Hedlund followed up on the lead because such conduct violates DPS regulations. He also believed the incident was relevant to the assault and hazing investigation in that such conduct was a reflection of the permissive environment created by the Academy Cadre (leadership). Hedlund was instructed by Paulson to cease any further investigation and not interview any witnesses regarding the sexual relationship between the Drill Instructor and the recruit. This was the first time in Hedlund's career that he had ever been told that he could not interview a witness or follow up on an investigative lead. On June 26, 2012 Hedlund sent Paulson an email that he would

follow her orders, but articulated why he thought the investigation was relevant and should continue. He never received a reply to his email.

- (iv) On August 28, 2012 Paulson, who at the time was an Assistant Director, sent an inappropriate email to the SAC's.
- (v) That London, since assuming the position of Commissioner, had used implied and overt threats of demotion and termination to get his way, had not maintained a work environment of respect and positive conflict resolution and had micromanaged the work of field agents all causing a devastating drop in morale.

14. The DAS Complaint, with the exception of the complaint against Commissioner London, was referred the Professional Standards Bureau of the Iowa DPS for investigation and disposition. The Professional Standards Bureau has not advised Hedlund regarding the determination or disposition of his complaints.

15. On April 18, 2013, a telephone conference was held with Director Paulson, AD Meyers, SAC Hedlund, SAC William Keitzman, SAC Michael Motsinger, SAC Matthew Sauer, and SAC Mitch Mortvedt. Approximately five minutes before the meeting, the SAC's were given a document which proposed a major redistricting of the MCU by reducing the number of zones from four to three.

16. The SAC's, including Hedlund, were upset about being given a document involving a major restructuring of the MCU five minutes before the meeting. Hedlund and the other SAC's expressed their opinions about the change throughout the telephone conference. At no time was Hedlund disrespectful or insubordinate to any of the SAC's or to AD Meyers or Director Paulson.

17 A follow up in-person meeting was held on April 23, 2013 in Ankeny, Iowa. The meeting was attended by Director Paulson, AD Meyers, SAC Hedlund, SAC William Keitzman, SAC Michael Motsinger, SAC Matthew Sauer, and SAC Mitch Mortvedt. In the course of this meeting there was a discussion about keeping the four zones in the MCU in exchange for each of the SAC's taking on an additional special assignment. At no time during the April 23, 2103 was Hedlund disrespectful or insubordinate to AD Meyers or Director Paulson or any of the SACs.

18. At the conclusion of the April 23, 2013 meeting, SAC Hedlund had a reasonable good faith belief that he was to assume the special assignment of working cold cases.

19. On April 23, 2013, after the meeting concluded, AD Meyers praised Hedlund for his willingness to speak passionately about the issues. Director Paulson was present when AD Meyers made this comment. At no time did Director Paulson or AD Meyers indicate to Hedlund that he had been disrespectful or insubordinate during the April 23, 2013 meeting or the telephone conference call on April 18, 2013.

20. Hedlund had previously submitted a request for a vacation day on April 26, 2013. The request was approved by Acting AD Mitch Mortvedt on April 14, 2013.

21. Hedlund knew and understood that creating an effective and efficient cold case unit would take a substantial amount of up-front time and effort and, sensing urgency from DPS leadership to start the project, determined that he would forego part of his pre-approved vacation day to begin working on the cold case project.

22. Hedlund made arrangements to meet with a retired DCI Agent, who currently volunteers with the Cedar Rapids Police Department working on cold cases. Hedlund and the retired agent agreed to meet in Cedar Rapids on the morning of April 26, 2013.

23. Hedlund traveled to Cedar Rapids in the late afternoon of April 25, 2013 in his state issued vehicle. It was his intention to meet with his field agents in Cedar Falls that afternoon. The agents had other duties to attend to so he was unable to meet with them and decided to drive to Cedar Rapids and spend the night. Hedlund spent the night in Cedar Rapids and paid for the hotel room with his own money.

24. In the evening of April 25, 2013, Hedlund had a phone call with the retired DCI agent who told him he had forgotten about a meeting he had to attend in Des Moines on April 26th and he would not be able to meet with Hedlund as planned. The retired DCI agent suggested to Hedlund that he call Wade Kisner another former DCI agent with extensive knowledge on cold cases.

25. On the morning of April 26, 2013, Hedlund phoned Wade Kisner and arranged a meeting. Kisner and Hedlund met in Cedar Rapids for approximately 1 hour and 45 minutes discussing work related matters including cold cases. Hedlund was wearing a dress shirt and tie at the meeting.

26. After the meeting with Kisner, Hedlund attended an art show for his niece which lasted less than an hour.

27. Hedlund left Cedar Rapids at approximately 12:30 p.m. for Ft. Dodge. While driving west on Highway 20, he spotted a black SUV with tinted windows doing a "hard ninety."

28. Hedlund phoned dispatch and a Hamilton County deputy sheriff clocked the black SUV going 84 mph in a 65 mph zone.

29. The Iowa State Patrol became involved in the pursuit which was called off after the state trooper determined that the black SUV was being driven by another state trooper and its

passengers included Governor Terry E. Branstad and Lieutenant Governor Kim Reynolds. The SUV was not pulled over or ticketed on April 26, 2013.

30. On April 29, 2013 at approximately 8:30 a.m., Hedlund sent an email to Director Paulson which he requested that she forward up the chain of command as soon as possible. The email, addressed to Commissioner London, is “a complaint against myself: SAC Larry Hedlund.” Director Paulson forwarded the email to Commission London and Executive Commisioner Steve Ponsetto at 11:14 a.m on April 29, 2013.

31. The April 29, 2013 email from Hedlund sets forth in detail the events which occurred on U.S. Highway 20 on April 26, 2013 involving the Governor’s SUV. The email also states: “As the ranking sworn peace officer involved in this incident and as a Supervisor with the Department of Public Safety, I should have insisted the vehicle be stopped. Even though the suspect vehicle was long gone by the time I found out the actual reason it wasn’t stopped, I could have still had actions taken to catch it and stop and address the dangerous situation.”

32. In the April 29, 2013 email to Commissioner London, Hedlund also states “Since the speeding vehicle passed through at least two counties I intend to contact the appropriate County Attorney’s offices and the Attorney General’s office to see how best to proceed with this matter.” He further states “I don’t believe the Governor of the State of Iowa is above the laws of the State of Iowa. With all due respect, as long as I am a sworn officer with this Department, I don’t believe anyone has the authority to order me to not do my job and violate the oath I took.”

33. On April 29, 2013 at 11:30 a.m., 16 minutes after forwarding the email to London and Ponsetto, Director Paulson canceled a previously scheduled meeting with Hedlund.

34. Director Paulson’s only response to Hedlund’s email occurred on April 30, 2013 at 7:32 a.m. and is as follows: “Since you were on an approved vacation day on Friday, April

26, 2013, please explain to me the reason that you were in a state vehicle travelling [sic] Westbound on Highway 20 East of the I-35 interchange at approximately 2pm on Friday afternoon.”

35. Hedlund responded to Paulson via email that he met with Kisner the morning of April 26, 2013 to discuss cold cases. Paulson did not reply to this email.,

36. On April 29, 2013 at 4:45 p.m. Hedlund sent an email to Director Paulson with a copy to AD Meyers that he needed to “take this evening and tomorrow off for personal reasons.” In the email he advised his superiors that he had made arrangements for someone to be Acting SAC in his absence.

37. On April 30, 2013 Hedlund went to his doctor who took him off work for stress through May 3, 2013.

38. On May 1, 2013, AD Meyers, AD Dave Jobes and Sergeant Wes Niles of the Iowa State Patrol, knowing that Hedlund was off work for stress, choose to go to his home in Fort Dodge in order to take him out of service and place him on paid administrative leave.

39. Hedlund complied with their requests to turn over his handgun, shotgun, badge, car, cell phone, laptop computer and office keys. While standing on Hedlund’s front porch AD Meyers made the following statement to Hedlund: “This isn’t the way it is supposed to be done, but this is what the Commissioner said to do.”

40. On May 1, 2013 Hedlund was given a Notice of Investigation which alleged that he was disrespectful and insubordinate during a conference call with DCI leadership on April 18, 2013, that he was operating a state vehicle during a period of approved leave status, that he failed to request and receive approval before taking leave on April 30, 2013, and the he engaged in conduct that impairs the operations of the Department.

41. On May 14, 2013, Hedlund was ordered to attend a Fitness for Duty Evaluation by Phillip Ascheman, Ph.D.

42. On May 16, 2013, Hedlund attended the Fitness for Duty Evaluation with Dr. Ascheman. Dr. Ascheman prepared a "Psychological Evaluation" that same day and concluded that there is no "evidence of a mental health disorder" and that "this individual is fit for duty."

43. Despite being cleared for duty on May 16, 2013, Hedlund is not allowed to return to work.

44. On June 19, 2013, Hedlund was interviewed by the Professional Standard Bureau of the Iowa DPS for over three hours.

45. Hedlund's employment with the Iowa DPS was terminated on July 17, 2013. The final decisionmaker regarding Hedlund's termination was Commissioner London with input from Director Paulson and AD Meyers.

46. On July 18 Governor Brandstad held a press conference where he called Hedlund's termination "fair and just" and necessary for the "morale and safety and the well-being of the department." This statement is false and defamatory per se.

47. On information and belief, the statement that Hedlund's termination was necessitated for "safety" reasons was from information conveyed directly or indirectly to the Governor from Commissioner London, Director Paulson and AD Meyers.

COUNT I

WRONGFUL DISCHARGE IN VIOLATION OF PUBLIC POLICY

COMES NOW the Plaintiff Larry R. Hedlund and for his cause of action against Defendant State of Iowa and Defendants London, Paulson and Meyers individually states as follows:

48. Hedlund realleges and incorporates by reference the allegations contained in paragraphs 1 through 47 of this Petition as if fully set forth herein.

49. Hedlund was suspended and later terminated by Defendants, and each of them, after reporting to his superiors at Iowa DPS that Governor Brandstad's SUV was traveling at a speed far in excess of the legal limit and that such conduct created a public safety hazard. In making the report to his superiors at the Iowa DPS, Hedlund also threatened to report the public safety hazard created by Governor Brandstad's SUV to outside authorities including the Attorney General's office and the county attorneys for the two counties where the speeding violation occurred.

50. In making the internal report and the threat of an external complaint, Hedlund was following his statutory duties as a sworn peace officer to enforce all laws including laws relating to traffic on public highways of the state, including those relating to the safe and legal operation of passenger cars in order to ensure that proper safety rules are observed.

51. Hedlund's termination violates well established public policy of the State of Iowa as defined by statute, regulation and judicial decision which public policy would be undermined and jeopardized under the circumstances of this case.

52. Hedlund was suspended and later discharged as a result of his participation in protected activity and Defendants' proffered reasons for his discharge are pretextual and otherwise without legitimate reason to justify his termination.

53. As a direct and proximate result of Defendants' actions, and each of them, Hedlund has suffered and will continue to suffer loss of wages, benefits, job security and other emoluments of employment and has suffered and will continue to suffer mental anguish, emotional distress and damage to his reputation.

54. The conduct of individual defendants London, Paulson and Meyers was willful, wanton and malicious and was in conscious and reckless disregard of Hedlund's rights so as to warrant the imposition of punitive damages.

WHEREFORE, Plaintiff Larry R. Hedlund requests judgment against Defendants, and each of them, in such an amount as will fully and fairly compensate him for his injuries and damages, for punitive damages against the individual defendants, for interest as allowed by law, the costs of this action and for such other and further relief as the court deems equitable on the premises.

COUNT II

WRONGFUL DISCHARGE IN VIOLATION OF IOWA CODE CHAPTER 70A

COMES NOW the Plaintiff Larry R. Hedlund and for his cause of action against Defendants State of Iowa, London, Paulson and Meyers individually and states as follows:

55. Hedlund realleges and incorporates by reference the allegations contained in paragraphs 1 through 46 of this Petition as if fully set forth herein.

56. Hedlund was suspended and later terminated by Defendant State of Iowa after reporting and disclosing to his superiors at the Iowa DPS, who are both public officials and members of a law enforcement agency, that he witnessed Governor Branstad's SUV traveling at an excessive speed and that such conduct violated the law and constituted a substantial and specific danger to public health and safety.

57. Hedlund also reported and disclosed to his superiors at the Iowa DPS, who are both public officials and members of a law enforcement agency, information regarding incidents and conduct by state officials that he reasonably believed evidenced violations of the law or rule,

mismanagement, abuse of authority and a substantial and specific danger to public health and safety.

58. Hedlund was suspended and later discharged after reporting the above conduct and the reasons proffered by Defendants for his suspension and discharge are pretextual.

59. The actions and conduct of London, Paulson and Meyers in suspending and later terminating Hedlund's employment constitutes a simple misdemeanor under Iowa Code §70A.28(4).

60. As a direct and proximate result of Defendants' actions, Hedlund has suffered and will continue to suffer loss of wages, benefits, job security and other emoluments of employment and has suffered and will continue to suffer mental anguish, emotional distress and damage to his reputation.

WHEREFORE, Plaintiff Larry R. Hedlund requests judgment against Defendants, and each of them, in such an amount as will fully and fairly compensate him for his injuries and damages, for attorney fees and costs, for interest as allowed by law and for such other and further relief as the court deems equitable on the premises.

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